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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRISHA MARIE RANKIN,

Plaintiff,

vs.

NANCY A. BERRYHILL,¹

Acting Commissioner of
Social Security,

Defendant.

CIVIL NO. 4:15-cv-05170-KAW

STIPULATION AND ~~PROPOSED~~
ORDER FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT, 28
U.S.C. § 2412(d)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
subject to the approval of the Court, that Trisha Marie Rankin be awarded attorney fees in the amount
of seven thousand, two hundred and seventy-one dollars and eighty-eight cents (\$7,271.88) under the
Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
2 accordance with 28 U.S.C. §§ 1920; 2412(d).

3 After the Court issues an order for EAJA fees to Trisha Marie Rankin, the government will
4 consider the matter of Trisha Marie Rankin's assignment of EAJA fees to Brian Barboza. The retainer
5 agreement containing the assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 560 U.S.
6 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
7 whether the fees are subject to any offset allowed under the United States Department of the Treasury's
8 Offset Program. After the order for EAJA fees is entered, the government will determine whether they
9 are subject to any offset.
10

11 Fees shall be made payable to Trisha Marie Rankin, but if the Department of the Treasury
12 determines that Trisha Marie Rankin does not owe a federal debt, then the government shall cause the
13 payment of fees, expenses and costs to be made directly to Brian Barboza, pursuant to the assignment
14 executed by Trisha Marie Rankin. Any payments made shall be delivered to Brian Barboza.
15

16 This stipulation constitutes a compromise settlement of Trisha Marie Rankin's request for
17 EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the
18 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to,
19 any and all claims that Trisha Marie Rankin and/or Brian Barboza and his firm may have relating to
20 EAJA attorney fees in connection with this action.
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23
24 Respectfully submitted,

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26
27 Dated: May 30, 2017

/s/ Brian Barboza
Brian Barboza

Attorney for Plaintiff

BRIAN J. STRETCH
United States Attorney

Dated: May 30, 2017

By s/ Chantal R. Jenkins
Chantal R. Jenkins
Special Assistant U.S. Attorney

Attorneys for Defendant

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 5/31/17

Kandis Westmore
HON. KANDIS A. WESTMORE
UNITED STATE MAGISTRATE JUDGE